



City of Johnson City Tennessee

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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
December 11, 2012

The Board of Zoning Appeals held its regular meeting on December 11th at 9:00 a.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

Dwight Harrell
Tim O'Neill, Chairman
Steve Meroney

Staff Present

Steve Neilson, Development Coordinator
Tim Seaton, Construction Inspector

Mr. O'Neill called the meeting to order.

The Minutes of the November 13, 2012 meeting were considered for approval.

MOTION: Meroney To approve the minutes of the November 13, 2012 meeting.

SECOND: Harrell

VOTE: Approved 3-0.

Case No. 765-1

Mr. Neilson indicated that this was a request for a variance to allow a 1,024 square foot accessory structure. The petitioner indicates that he has large 1.6 acre lot with a 100 foot power board easement running along the side of the property. He stated that the closest house will be over 200 feet from the accessory building and the petitioner felt that there would be no impact. Mr. Neilson stated that there was nothing unique about the property and that this was a self created hardship. He then recommended denial of the request.

Mr. Jason Phipps spoke in favor of the request. He said that he has a 3,800 square foot house with a one car garage, which was not enough. He indicated that he needs more storage and shop space than the 850 square feet would provide.

Mr. Neilson informed the Board that the a Planning Commission subcommittee was currently reviewing the size of accessory buildings was proposing to amend the regulations to allow up to a 1,200 square foot building. However, he cautioned the Board that this was only a recommendation which had not been approved.

Mr. Harrell believed that the proposed garage was in scale with the 3,800 square home and due to the fact the Planning Commission Subcommittee was proposing to amend the regulations he felt it was appropriate and motioned to approve the request.

MOTION: Harrell To approve the variance at 312 Austin Springs Road.

SECOND: Meroney

VOTE: Approved 3-0.

Case No. 765-2

Mr. Neilson indicated that this was a request for a variance to the front yard requirement from 45 feet to 30 feet along the Bristol Highway to construct a 2,800 square foot building. The petitioner intends to remove the existing buildings on the site, the closest of which is only 25 feet from the Bristol Highway. Mr. Neilson stated because this was a long narrow lot with frontage on two streets it had a very small building envelope making it very difficult to develop without a variance. He stated that due to the narrowness of the lot, this request met the conditions for a variance and recommended approval of this request.

Mr. Jim Odle spoke in favor of the request.

Mr. Meroney stated that due to the narrowness of the lot and the fact that they will be setting the building back further than the existing buildings, he felt that the variance was appropriate and moved to approve the request.

MOTION: Meroney To approve each of the variance requests.

SECOND: Harrell

VOTE: Approved 3-0.

Case No. 765-4

Mr. Neilson indicated that this was a request for a variance to the front yard setback from 20 feet to 19 feet and to the rear yard setback from 30 feet to 18 feet to allow the reconstruction of a single-family home at 2503 Sinking Creek Road. He stated that the existing home at this location received significant damage due to flooding earlier this spring. The Eastern Eight Corporation would like to reconstruct the home; however, it would need to be elevated the home above the floodplain and set it back further from the street. The existing lot is only 65 feet deep and with the front and rear setback it would be very difficult build on the lot

Tom Debord representing Eastern Eight spoke in favor of the request. He asked the Board to amend his request to allow the construct of a small front and rear deck. This would change the variance to the front yard setback from 20 feet to 14 feet and to the rear yard setback from 30 feet to 13 feet.

Mr. Harrell stated that due to the damage on the property and the fact this would be an improvement to the property and the neighborhood, he motioned to approve the request.

MOTION: Harrell To approve this variance request.

SECOND: Meroney

VOTE: Approved 3-0.

Case No. 765-5

Mr. Neilson indicated that this was a request for a variance to the rear yard setback from 25 feet to 8 feet to allow the reconstruction and expansion of the existing gasoline/convenience store located at 3900 Bristol Highway. He stated that the petitioners indicated that the existing store was outdated and needed to be replaced. Since they were replacing the store, they felt that it was a good time to push the store back in order to improve the traffic flow around the gas islands. The petitioners felt that since the property was surrounded by an existing shopping center, there would be little or no negative impacts.

Mr. Ryan Broyles spoke in favor of the request. He stated the existing building was obsolete and they would like to replace it with a 5,300 brick structure which would include a Subway restaurant. He stated that he needed to set it back because it is difficult to pull into the islands especially with RVs and vehicles pulling boats.

Mr. Meroney stated that having been out there a number of times, he agreed it was difficult to get in and out of the gas pumps and felt the variance was appropriate. He then moved to approve this request. Mr. Harrell recalled giving similar requests for gas stations in the pass.

MOTION: Meroney To approve the variance request.

SECOND: Harrell

VOTE: Approved 3-0.

Case No. 765-6

Mr. Neilson indicated that this was a request for a variance to the side yard setback from 8 feet to 2 feet in order to build an attached garage. The petitioner indicates that garage will line up with the rest of the house. He also states that he intends to remove an existing accessory building which currently fails to meet setback and plan to remove a metal carport which conflicts with the architectural character of the home. The petitioner felt the variance was appropriate because none of the homes in this older neighborhood met the side yard setbacks. He felt the new garage blended with the architectural style of home and would be an asset to the neighborhood.

Mr. Neilson pointed out that he could build the attached garage and meet setback and that there was nothing unique about the property. He then recommended denial.

Mr. Gambrel spoke in favor of the request. He stated felt that the he needed to set the garage back in order to provide parking on the property. He stated that it was not safe to park on the

street and that he has lost two car mirrors. He believed the additional would be a improvement to the home and for the neighborhood.

Mr. Randy Gentry, the adjoining property owner at 612 E. Unaka also spoke in favor of the request.

Mr. Meroney felt this would be a big improvement to the neighborhood and moved to approve the request. Mr. Harrell pointed out that in the past the Board has approved variances which lined up with the existing structure and felt this request was appropriate.

MOTION: Meroney To approve the variance request.

SECOND: Harrell

VOTE: Approved 3-0.

There being no further business, the meeting adjourned at 9:38 a.m.

APPROVED:

Tim O'Neill, Chairman
Board of Zoning Appeals